

MEMBERS PRESENT

Peg Birney
Thomas J. Knips, Chairman
Robert LaColla
Robert J. Rahemba
Joel Sasser, Alternate
David Stenger

MEMBERS ABSENT

Brian Callahan
Tom Chang, Alternate
Sheila Lahey, Vice Chair

OTHER PRESENT

John A. Morabito, Town Planning Consultant
Christopher J. Colsey, Town Municipal Development Director
Maryann Johnson for J. Theodore Fink, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Anthony DiSiena
Daniel P. Simone, P.E., Vice President
Wayne Akstin
Mark A. Day, P.E.
Dominic Cordisco
Steve Ryan
Jay Murnick
Joseph Modafferi

The meeting was called to order by Thomas J. Knips, Chairman at 7:00 p.m.

JULY 13, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the July 13, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. Stenger. Seconded by Mr. LaColla. Motion carried.

NEW SUBMITTAL**A & L SERVICE CENTER - AMENDED SITE DEVELOPMENT PLAN**

Mr. Colsey introduced Mr. DiSiena as the Owner of A & L Service Center. Mr. Colsey stated that Mr. DiSiena is seeking approval to amend the existing Site Development Plan approval to install a 1,000 gallon propane tank for retail purposes. Mr. Colsey stated that the parcel for this proposal is located at 1562 Route 52, in the GB (General Business) Zoning District and consists of .40 ± acres.

Mrs. Birney asked if this approval is being requested so that propane can be sold. Mr. DiSiena stated yes. Mr. Knips asked if bollards and chain-link fence will be in place. Mr. Day stated yes and they are shown on the site plan.

Mr. Marino asked that a letter be sent to the Rombout Fire District indicating that this is being proposed and inquiring if they have any comments.

Mr. LaColla asked how the buildings ended up over the property line. Mr. Day stated he is not sure but this was probably all one piece at one time.

FINAL

NEW SUBMITTAL
A & L SERVICE CENTER - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mrs. Birney asked if there are woods in the back where the tank is to be installed. Mr. DiSiena stated no it is all grass back there.

Mr. Morabito asked how the sale of propane will be advertised. Mr. DiSiena stated there will probably be a sign right on the fence that indicates "Propane Sold Here." Mr. Colsey stated he cannot think of an allowance for this in the sign code.

Mrs. Birney asked if propane canisters will be stored. Mr. DiSiena stated they are refilling canisters not storing them. Mr. Andrews asked if there is an urgency to getting this resolved this evening. Mr. Andrews stated he believes the Board would like to have the Rombout Fire District and Town Fire Inspector have a chance to review this. Mr. Andrews stated that this would also allow the applicant a fair chance to review the sign code. Mr. Andrews suggested that this be referred to the Rombout Fire District and the Town Fire Inspector and that this be reviewed at the August 10, 2006 Planning Board meeting.

Mr. Andrews stated that this is an improvement to the site and that this can go through the Site Plan Amendment process, if the Board elects to handle it that way. Mr. Andrews stated the Board has approved this type of an amendment with a letter to file for example Foam and Wash and Mavis both received letters to file for their propane tanks. Mr. Andrews stated this can go through the site development plan process which he believes staff and consultants would be overkill or the Board can have this reviewed and do a letter to file after the review has taken place by the Rombout Fire District and the Town Fire Inspector.

Mr. LaColla stated that the applicant may want to check with his insurance agent as to the requirements for signage. Mr. DiSiena stated he would do that and prepare details for the signage to submit to the Board for their review.

Mr. LaColla made a motion to refer this for clarification to the Town Fire Inspector and the Rombout Fire District and that a draft letter to file be prepared for review at the August 10, 2006 Planning Board Meeting. Seconded by Mr. Stenger. Motion carried.

REVIEW
WATERFRONT @ FISHKILL PHASE 5 - OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN

Mr. Knips stated that he is recusing himself from this discussion, appointed Mrs. Birney the Acting Chair and left the meeting room.

Mr. Simone stated that a public hearing was opened and closed last month and they have made some changes to the site plan as a result of his meeting with Mr. Andrews.

FINAL

REVIEW
WATERFRONT @ FISHKILL PHASE 5 - OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Simone stated there is a large drainpipe that takes stormwater runoff through the site. Mr. Simone stated that under the original application there were some buildings that were close to the pipe so at Mr. Andrews' suggestion they moved the two buildings to a new location on the site that did not affect any setbacks or other site plan issues on the property. Mr. Simone stated that they have finalized the issues on the greenway walkway and the plantings.

Mr. Andrews stated Mr. Simone has taken care of most of technical issues and there are some minor technical issues that remain. Mr. Andrews stated that the Town of Fishkill owns a small parcel on which there are two (2) wells. Mr. Andrews stated that the original documents said the developer could use the space, they are in the process of working out a purchase agreement, and such agreement will need to be finalized prior to the signing of the final site plans by the Planning Board Chairman.

Mr. Andrews stated the Greenway Trail has been laid out and we need slightly more definitive details, showing the fences, etc. on the site plan. Mr. Simone stated they will add this detail to the plans.

Mr. Andrews stated this does contain a Workforce Affordable element and these are scattered throughout the project. Mr. Andrews stated the applicant needs to redesignate this so that it is more in keeping with Workforce Housing.

Mr. Andrews stated they have prepared an extremely detailed phasing plan because of the new Stormwater Guidelines and it needs just a little bit more work. Mr. Andrews stated that the Stormwater Pollution Plan generally complies and he will need one signed and sealed by their professional. Mr. Andrews stated that Mr. Simone is inclined to ask the Town to form a lighting district and this will have to be completed as part of the final approval. Mr. Andrews stated there is a series of engineering issues and challenges for this final phase. Mr. Andrews stated in order to properly put the drainage pipe in, there has to be a retaining wall with a detailed design. Mr. Andrews there are sufficient details to describe this on the site plans but further details will need to be finalized.

Mr. Andrews stated he will provide some redline drawings for Mr. Simone that contain some minor details that need to be corrected. Mr. Andrews stated that he believes this is ready for a Resolution of Final Approval.

Mr. LaColla asked what the final decision was regarding the road to the existing treatment plant. Mr. Simone stated they have provided a private access road off of Brockway Road and the Town will ultimately maintain this road as it will be given over to the Town.

Mrs. Birney asked if the Greenway Trail gets dedicated to the Town. Mr. Simone stated this has always been an easement but the portion through the sewage treatment plan will be dedicated to the Town..

Mr. Simone indicated that he will be on vacation for the next Planning Board meeting.

FINAL

REVIEW
WATERFRONT @ FISHKILL PHASE 5 - OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla made a motion that a Resolution of Final Approval be drafted for the August 24, 2006 Planning Board Meeting. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

PUBLIC HEARING
34 SUNNYSIDE ROAD - SUBDIVISION

The preliminary public hearing was opened by the Board at 7:33 p.m. Mr. Knips indicated that Mr. Levine requested that this public hearing be adjourned due to an illness. Mr. Knips indicated that the public will be permitted to make comments this evening and asked Mr. Andrews to give a brief overview of the project.

Mr. Andrews stated there is an existing residence on this parcel and its use as a residence was discontinued. Mr. Andrews stated that Scenic Hudson has chosen to carve out 4.1 acres of this parcel and to sell the land and the structure. Mr. Andrews stated the parcel is served by Town Water and will be served by an individual sewer that must be approved by the DOH as part of this Board's approval.

Mr. Andrews stated Scenic Hudson has tentatively agreed to provide additional land so that a turn around can be constructed at the end of Sunnyside Road. Mr. Andrews stated that the true subdivision may only involve one parcel rather than the total holdings of Scenic Hudson.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal.

Mrs. Davidovits stated she lives at 32 Sunnyside Road asked if this is a reflection on Scenic Hudson's view on land ownership as it is a surprise to her that they would take part of their green space and sell it. Mr. Davidovits stated personally she would like to see the house removed and have the land remain green. Mr. Knips stated that the Board will forward the comments to applicant and initially the applicant indicated that they did not want to be in the real estate business so they would like to carve out the 4.1 acres from the parcel and sell it along with the existing residence and that they had no plans to develop the remaining acreage. Mrs. Davidovits stated when the houses were built in the 1980's and the trees were cut down it caused major drainage and flooding problems in this neighborhood.

Mrs. Dennin stated she lives in Beacon Hills and asked if the remaining lands are going to be used for logging purposes. Mr. Knips stated that the applicant would need a permit for that but the applicant has made no indication that anything will be done with the remaining lands. Mrs. Dennin stated she was a resident when the flooding took place in the 1980's.

Mr. Andrews stated no one here wants to presume to speak for Scenic Hudson, they have told us that they have no plans to modify their land management for the remaining acres and that they simply want to sell the property with the existing house. Mr. Andrews suggested that when Scenic Hudson is present that Mr. and Mrs. Dennin asked their questions. Mr. Dennin asked if Scenic Hudson could possibly build. Mr. Andrews stated there are many hurdles but he is not going to presume that it is not possible.

FINAL

PUBLIC HEARING
34 SUNNYSIDE ROAD - SUBDIVISION

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal. There were no further comments from those in general attendance

Mr. Knips stated that the Chair will entertain a motion to adjourn the public hearing at 8:15 p.m. and to reopen it at the August 10, 2006 Planning Board meeting. So moved by Mr. Sasser. Seconded by Mr. Stenger. Motion carried.

Mr. Knips stated the review of this project will be deferred until the August 10, 2006 Planning Board meeting at Mr. Levine's request.

REVIEW
THALLE INDUSTRIES

Mr. Colsey stated that Thalle Industries is back before the Board this evening as they are seeking an area variance for relief from the Town Code provision for the abutting district setback requirements, reducing the minimum side yard setback requirements from 50 feet to 25 feet. Mr. Colsey stated that Thalle Industries is located in the PI (Planned Industry) Zoning District and abuts GB (General Business) and R4-A Zoning Districts. Mr. Colsey stated that the schedule of Regulations for Non-Residential Districts, Table III, Note (c) reads "Where a lot line abuts land in a residential district, the most restrictive setback requirements of either district govern".

Mr. Akstin stated that it appears that the owner of the parcel most immediately to the north would rather see the building at the 25' rather than the 50'. Mr. Akstin stated it is doable with the 50' but practically the traffic flow will work better with a 25' setback.

Mr. Knips asked if at this point an application has been made to the ZBA. Mr. Akstin stated yes. Mr. Knips stated that originally access around the building was a concern for the fire apparatus. Mr. Marino stated he does like it being moved back further as far as general access to the site. Mr. Marino stated the back of the building is a long run so there needs to be some kind of emergency exit at the back of the building.

Mr. Knips stated whether we make a recommendation or not if the ZBA grants the variance Thalle will have to come back before the Board for an amendment.

Mr. Rahemba asked if the Board can give them a positive recommendation to the ZBA. Mr. Knips stated he does understand the benefit with the 25' but is not sure if the topography is going to be affected.

Mr. Andrews stated the intent of the Code is pretty clear that when a commercial abuts a residential the most restrictive zone is what is followed. Mr. Andrews stated we did discuss this previously and the applicant proposed the 50' setback. Mr. Andrews stated that actually, they should have come before the Planning Board first and Planning Board would have sent the applicant to the ZBA.

REVIEW
THALLE INDUSTRIES
(CONTINUED)

Mr. Andrews stated an Amended Site Development Approval would need to be completed by Thalle. Mr. Andrews suggested that the Board empower Mr. Colsey to craft a letter to the ZBA, that is in affect neutral that sets forth the facts as follows: Thalle has a Site Development Plan Approval that shows a 50' setback and if their variance is granted they will need to come back before this Board for an Amended Site Development Plan Approval and that fire access around the building and proper screening are concerns of this Board.

Mr. LaColla made a motion to empower Mr. Colsey to write a letter in accordance with Mr. Andrews' suggestion this evening. Seconded by Mrs. Birney. Motion carried.

REVIEW
HASBROUCK PLACE -SITE DEVELOPMENT PLAN

Mr. Andrews reviewed Mr. Fink's memorandum to the Board dated July 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated that Mr. Day has followed the guidelines that are set forth with all due respect, to Mr. Fink's comment but he defers to him.

Mr. Andrews reviewed his memorandum to the Board dated July 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Marino asked that they look into having the NYSDOT provide no vehicular traffic in some kind of cross hatch lane.

Mr. Andrews stated a public hearing was opened and closed on this project on January 26, 2006 and the Board should have taken action within 62 days so the Board should ask for an extension. Mr. Day stated he agrees to grant the extension of time for which the Board must render its decision.

Mr. LaColla made a motion that a Resolution of Preliminary Approval - Site Development Plan be prepared for review at the August 10, 2006 Planning Board meeting. Seconded by Mr. Stenger. Motion carried.

REVIEW
THE CREST AT FISHKILL - SITE DEVELOPMENT PLAN

Mr. Sasser stated he is recusing himself from this discussion and left the meeting room.

Mr. Cordisco stated that they have revised their plans because the original plans for the construction trailer showed the trailers on the Katz' property which is no longer contractually possible.

FINAL

REVIEW
THE CREST AT FISHKILL - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Ryan stated they have taken the same design and moved the trailer to the west of the property, they have run this by the NYSDOT, and they have stated that this is feasible but no-left turns will be allowed.

Mr. Andrews reviewed his memorandum to the Board dated July 27, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Cordisco stated he recognizes Mr. Andrews' comment regarding the second access. Mr. LaColla asked how bad it would be if you use a second access. Mr. Andrews stated there are wetlands there that are to remain undisturbed. Mr. Ryan stated there are willing to restrict the access if that is what the Board desires.

Mr. Colsey indicated stated regarding the signage the Town Code, § 150-30 Signs. reads as follows, "C. Exempt signs. The following signs are exempt from the permit requirements of this chapter. Unless otherwise limited below, such exempt sign shall not exceed six feet in height and shall not exceed four square feet in sign area per side. Each exempt sign must comply with all other provisions of this chapter. (4) Nonilluminated real estate "for sale" or "for rent" signs used for the purpose of selling or leasing land or buildings for which subdivision approval is not required, and displayed on the premises for sale or lease, provided such sign is located on the front wall of a building or, if freestanding, does not exceed six feet in height and is located not nearer than 15 feet to the edge of pavement or side lot line. All such signs shall not exceed four square feet in sign area per side, shall be limited to one per premises, and shall be removed immediately upon sale or lease of the premises." Mr. Colsey stated under "E(2) it stated, "Temporary real estate signs. Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning Board. (a) One such sign may be located on each side of the property which has frontage on a Town, county or state highway or street on which the subdivision fronts. Said sign(s) shall be located at least five feet from the property line and shall be permitted only during the period of active sales and in no case longer than one year from the date of final approval. Upon written application from the subdivider, the Planning Board may extend this period for one additional year, when the Planning Board deems that the circumstances warrant such extension. The subdivider shall post a bond, payable to the Town of Fishkill, in accordance with the current fee schedule, as a reasonable condition for removal. (b) Each such sign shall not exceed six feet in height, and shall not be located nearer than five feet to any street or lot line or any building, unless attached directly to said building. The total sign area of each sign shall not exceed 32 square feet."

Mrs. Birney asked if they obtain a temporary sign permit for the construction trailer. Mr. Colsey stated they can obtain a temporary sign permit for the construction trailer.

Mr. Andrews stated the notes need to be placed on the plans that bottled water will be supplied and that access will be restricted and if in fact a path is needed it will be consist of woodchips and only 5' wide. Mr. Andrews suggested that a letter be crafted by Mr. Colsey detailing what was discussed this evening.

Mr. LaColla made a motion that the recommendations of the Town Engineer be crafted into a letter and that the letter be signed by the Chairman went it is ready. Seconded by Mrs. Birney. Motion carried.

FINAL

SIGNAGE
THE CREST AT FISHKILL

Mr. Colsey reviewed Mr. Fink's memorandum to the Board dated July 27, 2006.

Mr. Andrews stated there are other wall structures in the Town with small signs. Mr. Andrews stated their proposal is not inconsistent with what has been done elsewhere. Mr. Volkman stated what has been done before was done prior to the new sign code.

Mr. Knips stated that the exterior lighting on the signs needs to be removed as it is not allowed in a residential district.

Mr. Andrews stated a proper scale rendering on the signage needs to be submitted to the Board so they can get a better view of the sign.

Mr. Volkman stated the sign code is pretty clear under § 150-30. Signs it reads as follows: "F. Permanent signs within residential districts. Within residential districts, the following signs are permitted: (3) For subdivisions, mobile home parks, or condominium, townhouse, co-op, or apartment complexes, one nonilluminated monument sign containing an area of not more than 25 square feet and located not more than six feet above ground level at its highest point, identifying the subdivision, mobile home park or complex, may be displayed. Such sign shall be set back at least five feet from any public road. The same restrictions shall apply if such signs are located in a nonresidential district."

Mr. Andrews suggested that the stonewall in its entirety is the structural support. Mr. Andrews stated he doesn't believe that this sign as proposed fits within the sign code. Mr. Volkman stated there is also the relief position in the Town Code so that should be reviewed too.

The Board suggested that the scale and dimensions of the sign be reviewed and corrected. Mr. Cordisco stated they will provide additional details and colors for the sign and resubmit them to the Board.

Mr. Andrews stated the applicants and the Town want this project to advance at a rapid base. Mr. Andrews suggested that the applicant revisit the Resolution of Final Approval and anything that can be satisfied should be addressed by the applicant as soon as possible.

Mr. LaColla made a motion to close the meeting at 8:55p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL